



additional trial exhibits remain under seal. (Doc. 467). The Court provisionally sealed the documents during the duration of trial and informed the parties that it would revisit whether the documents should permanently remain under seal following trial.

## II. Legal Standard

The Court takes very seriously its duty to protect the public’s access to judicial records.<sup>1</sup> Transparency in judicial proceedings is a fundamental element of the rule of law—so fundamental that sealing and unsealing orders are immediately appealable under the collateral-order doctrine.<sup>2</sup> The public’s right to access judicial records is independent from—and sometimes even adverse to—the parties’ interest.<sup>3</sup> That’s why the judge must serve as the representative of the people and, indeed, the First Amendment, in scrutinizing requests to seal.

Litigants may very well have a legitimate interest in confidential discovery secured by a protective order under Federal Rule of Civil Procedure 26(c). However, “[t]hat a document qualifies for a protective order under Rule 26(c) for discovery says nothing about whether it should be sealed once it is placed in the *judicial record*.”<sup>4</sup> Here, the parties conducted discovery under a Rule 26(c) protective order and marked various documents “confidential.” But to seal documents on the judicial record involves a much more demanding standard.

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<sup>1</sup> See *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 418 (5th Cir. 2021).

<sup>2</sup> *June Med. Servs. v. Phillips*, 22 F.4th 512, 519 (5th Cir. 2022).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 521.

“To decide whether something should be sealed, the court must undertake a document-by-document, line-by-line balancing of the public’s common law right of access against the interests favoring nondisclosure.”<sup>5</sup> If the Court seals information, it must give sufficient reasons to allow for appellate review.<sup>6</sup> Finally, “[p]ublicly available information cannot be sealed.”<sup>7</sup>

### III. Analysis

CSC’s sealing affidavit and Transamerica’s motion meet the heightened sealing standard. In the affidavit and motion, CSC and Transamerica were precise about what they wanted to seal: specific trial exhibits, attached hereto as Exhibit A. Next, CSC and Transamerica did their part to explain why the risk of disclosure outweighs the public’s right to know because these exhibits disclose confidential commercial information and trade secrets and would cause competitive harm to their businesses. Upon careful review, the Court concludes that CSC and Transamerica met their burden of proving that the materials should be permanently sealed. As such, the Court orders that the trial exhibits listed in Exhibit A remain under seal.

### IV. Conclusion

Given that the Court finds that CSC and Transamerica met the heightened sealing standard, the Court **GRANTS** CSC’s request to seal certain trial exhibits (Doc. 433) and Transamerica’s motion (Doc. 467). The Court will maintain the admitted trial exhibits listed in Exhibit A under seal. The Court’s instructions are

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<sup>5</sup> *Id.* (cleaned up).

<sup>6</sup> *Binh Hoa Le*, 990 F.3d at 419.

<sup>7</sup> *June Med. Servs.*, 22 F.4th at 520.

the result of a page-by-page, line-by-line analysis. Such analysis “is not easy, but it is fundamental” to securing the public’s right of access to judicial records.<sup>8</sup>

**IT IS SO ORDERED** this the 15th day of December, 2023.

  
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BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE

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<sup>8</sup> *June Med. Servs.*, 22 F.4th at 521.

# EXHIBIT A



<b><u>Exhibit No.</u></b>	<b><u>Concise Description of Exhibit</u></b>	<b><u>Witness Admitted</u></b>	<b><u>Date Admitted</u></b>
PX476	Wealth Management Accelerator VANTAGE-ONE Technical Guide WV-1801	Taute	11.8.2023
PX477	Wealth Management Accelerator/VANTAGE-ONE Subsystems Guide WV-1801	Taute	11.8.2023
PX478	Wealth Management Accelerator/VANTAGE-ONE Common Reference Guide WV-1801	Taute	11.8.2023
PX479	CyberLife 14.01 Documentation	Taute	11.8.2023
PX480	CyberLife Administration Billing and Accounting Administration Collection User Series	Taute	11.8.2023
PX481	Vantage-One Release Notes	Taute	11.8.2023
PX482	DXC Wealth Management Accelerator/VANTAGE-ONE System Release WV-1801	Taute	11.8.2023
PX483	DXC Wealth Management Accelerator/VANTAGE-ONE System Release WV-1701	Taute	11.8.2023
PX484	Wealth Management Accelerator System Release WM-07.1.0	Taute	11.8.2023
PX485	Wealth Management Accelerator System Release WM-08.1.0	Taute	11.8.2023
PX486	CSC Wealth Management Accelerator / Vantage-One System Release WV-09.2.0	Taute	11.8.2023
PX487	Wealth Management Accelerator System Release WM-09.1.0	Taute	11.8.2023
PX488	CSC Wealth Management Accelerator / Vantage-One System Release WV-1501	Taute	11.8.2023
PX489	CSC Wealth Management Accelerator / Vantage-One System Release WV-1201	Taute	11.8.2023
PX490	CSC Wealth Management Accelerator / Vantage-One System Release WV-1601	Taute	11.8.2023

<b><u>Exhibit No.</u></b>	<b><u>Concise Description of Exhibit</u></b>	<b><u>Witness Admitted</u></b>	<b><u>Date Admitted</u></b>
PX491	CSC Wealth Management Accelerator / Vantage-One System Release WV-1001	Taute	11.8.2023
PX492	Wealth Management Accelerator System Release wmA 07.2.0	Taute	11.8.2023
PX493	CSC Wealth Management Accelerator / Vantage-One System Release WV-1401	Taute	11.8.2023
PX494	DXC Wealth Management Accelerator/VANTAGE-ONE System Release WV-1901	Taute	11.8.2023
PX495	Vantage-One System Release V1-06.1.0 / VS-06.1.0	Taute	11.8.2023
PX496	CSC Wealth Management Accelerator / Vantage-One System Release WV-1101	Taute	11.8.2023
PX497	CyberLife 06.01 - 17.01 Documentation	Taute	11.8.2023
PX498	Host Technical Data	Taute	11.8.2023
PX499	Demonstration	Taute	11.8.2023
PX500	Detailed Updates	Taute	11.8.2023
PX501	System Problem Reports	Taute	11.8.2023
PX502	Enhancement Descriptions	Taute	11.8.2023
PX503	CyberLife 1001 Technical Information	Taute	11.8.2023
PX505	Wealth Management Accelerator/ VANTAGE-ONE, Annuities Business Rules Guide, WV-1401	Taute	11.8.2023
PX506	CyberLife Reference Documentation Enhancement and Improvement History 8402-1801	Taute	11.8.2023
PX507	Vantage-One Table Guide	Taute	11.8.2023
PX508	CyberLife Reference Documentation Functions 1801	Taute	11.8.2023
PX509	CyberLife Enterprise System: CyberDOC Reference Library, 10.01 (error as sent to Tata)	Taute	11.8.2023



<b><u>Exhibit No.</u></b>	<b><u>Concise Description of Exhibit</u></b>	<b><u>Witness Admitted</u></b>	<b><u>Date Admitted</u></b>
PX510	CyberLife Enterprise System Functions, Enterprise Collection Business Series	Taute	11.8.2023
PX511	Manual - CyberLife Enterprise System – Functions	Taute	11.8.2023
PX514	Cyberlife Enterprise System - Policy Record 00-49 Segments - Enterprise Collections Data Series	Taute	11.8.2023
PX515	Cyberlife Enterprise System - Policy Record 50-99 Segments - Enterprise Collections Data Series	Taute	11.8.2023
PX517	Traditional Life Table Guide, V1-05.1.0	Taute	11.8.2023
PX519	CyberLife Enterprise System: Web Components Transactions	Taute	11.8.2023
PX520	CSC Wealth Management Accelerator Vantage-One Annuities Business Rules Guide WV-1401	Taute	11/8/2023
PX521	Vantage-One Technical Guide V-1 Database & Tables 15.0	Setty	11.9.2023
PX523	Cyberlife Enterprise System - Web Component Transactions - Enterprise Collection System Series	Taute	11.8.2023
PX524	Cyberlife Enterprise System - Web Component Transactions - Enterprise Collection System Series	Taute	11.8.2023
PX525	Cyberlife Enterprise System - Web Component Transactions - Enterprise Collection System Series	Taute	11.8.2023
PX526	CyberLife 10.01 Documentation: Cyberlife Web Components Source Installation Guide	Taute	11.8.2023
PX527	CyberLife 10.01 Documentation: Cyberlife Web Components Security Setup Guide	Taute	11.8.2023

<b><u>Exhibit No.</u></b>	<b><u>Concise Description of Exhibit</u></b>	<b><u>Witness Admitted</u></b>	<b><u>Date Admitted</u></b>
PX529	CyberLife 10.01 Documentation: Cyberlife Web Components Installation Guide	Taute	11.8.2023
PX530	CyberLife 10.01 Documentation: Web Components Installation	Taute	11.8.2023
PX531	CyberLife 10.01 Documentation: Cyberlife Enterprise System 1001 Release Documentation	Taute	11.8.2023
PX534	CSC Source Code – CSC	Taute	11.8.2023
PX549	Cyberlife Overview – CSFL	Wisely	11.14.2023
PX550	Cyberlife Overview – CUSTSCV	Wisely	11.9.2023
PX551	Vantage-P65	Frieden	11.13.2023
PX552	Vantage-P75	Frieden	11.13.2023
DX0447	Service Agreement No. 75 (Project Chess - Due Diligence)	Verghese	11.15.2023
DX0645	Project Chess Transamerica TPA Strategy Program	Canfield	11.14.2023
DX0651	Project Chess Diligenta Site Visit	Canfield	11.14.2023
DX0653	Transamerica - DXC Proposal - Solution Evaluation Service Provider Results - Summary	Canfield	11.14.2023